

REMARKS

Claims 1-35 remain pending in this application. Claims 1, 10, 23, 32, and 34 have been amended.

Section 102 Issues

The Examiner rejected claims 1-2, 9, 23-24, 31-32, and 34 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,802,305 (*McKaughan*). In light of the amendments are arguments provided herein, Applicant respectfully traverses this rejection.

Applicant respectfully asserts that *McKaughan* does not disclose, teach or suggest all of the elements of claim 1 (as amended) of the present invention. *McKaughan* refers to a computer network that contains a plurality of interconnected computers, wherein a network interface card of sleeping computers detects an incoming packet and compares the incoming packet to a list of packets stored on the network interface cards. *McKaughan* then compares the received packet to a list of packets on the card and provides a wake-up sequence of a remote computer (column 6, lines 43-64). However, *McKaughan* does not disclose detecting the size of the received set of data signals as called for by claim 1 (as amended) of the present invention. In the Office Action dated July 17, 2003, the Examiner also cites U.S. Patent No. 5,487,181 (*Dailey*) to provide the missing element, as admitted by the Examiner, of detecting the size and decoding the received set of data signals that includes the plurality of steps. However, *Dailey* does not provide these steps, including the step of detecting the size of the data signal received. Further discussions of *Dailey* is provided in the § 103 Issues section provided below.

As admitted by the Examiner, *McKaughan* does not disclose the element of detecting a size of a received set of data signals as called for by the amended claim 1. Therefore, *McKaughan* does not anticipate all of the elements of claim 1. Hence, claim 1 is allowable. Additionally, method claim 32, which also calls for detecting the size of the received data signal, is allowable since all of its elements are not anticipated by *McKaughan*. Therefore, claim 32 is allowable. Additionally, claims 10, 23, and 34, which are various types of device claims, also call for a device or means for detecting the size of the received data signal, are also allowable since *McKaughan* does not disclose such an element. Therefore, claims 10, 23, and 34 are also allowable for at least the reasons cited above.

Independent claims 1, 10, 23, 32, and 34, are allowable for at least the reasons cited above. Additionally, dependent claims 2-9, 11-22, 24-31, 33, and 35, which depend from independent claims 1, 10, 23, 32, and 34, respectively, are also allowable for at least the reasons cited above.

Section 103 Issues

The Examiner rejected claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33, and 35 under 35 U.S.C. § 103(a) as being unpatentable over *McKaughan* in view of U.S. Patent No. 5,487,181 (*Dailey*). In light of the amendments and arguments provided herein, Applicant respectfully traverses this rejection.

Applicant respectfully asserts that one of ordinary skill in the art would not combine the disclosure provided by *McKaughan* with the disclosure of *Dailey*. *McKaughan* generally relates to invoking the wake-up sequence of remote computers, wherein *Dailey* relates to mobile

two-way radio systems. One of ordinary skill in the art would not combine the subject matter of *McKaughan* and *Dailey* to obviate claims of the present invention without using improper hindsight. Therefore, the Examiner's assertion of obviousness of the claims of the present invention based upon the combination of *McKaughan* and *Dailey* is incorrect and Applicant respectfully requests that the Examiner withdraw this rejection.

Additionally, even if *Dailey* and *McKaughan*, *arguendo*, were combined, all of the elements of claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33, and 35, would not be anticipated or obviated. *Dailey* provides for a radio system that receives radio frequencies and enters into an active mode from a software standby mode. The Examiner cites the shift register that converts the received data from a serial to a parallel format for reading upon the decoding called for by various claims of the present invention. However, as described above, *Dailey* does not provide for monitoring the size of the data signal received. This is a deficit that is not made up for by *McKaughan*. As described above, *McKaughan* does not disclose the element of detecting the size of the received set of data signals and *Dailey* does not make up for this deficit since claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33, and 35 depend on independent claims that call for detecting the size of the received set of data signals; and combining *McKaughan* with *Dailey* does not disclose or obviate all of the elements called for by these claims. Therefore, even with the combination of *Dailey* and *McKaughan*, all of the elements of claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33, and 35, are not anticipated or obviated. Simply because, as the Examiner said, one skilled in the art would recognize the shift register to convert from serial to parallel would not lead one of ordinary skill in the art to combine *Dailey* with *McKaughan* to obviate the present invention since *Dailey* with *McKaughan* are of different arts, one dealing with a computer system and the other dealing with radio communications. It is not reasonable to state that one of

ordinary skill in the art would combine these two references. However, as described above, even in *arguendo*, if *Dailey* and *McKaughan* were combined, all of the elements of the claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33, and 35, would still not be obviated or anticipated. Therefore, claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33, and 35, are allowable for at least the reasons cited above.

Applicant appreciates and acknowledges that the Examiner stated that claims 7, 19, and 29, contain allowable subject matter.

Reconsideration of the present application is respectfully requested.

In light of the arguments presented above, Applicant respectfully asserts that claims 1-35 are allowable. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.


If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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